ALLIANCE FOR AMERICAN INNOVATION ASSOCIATES

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Director
The United States Patent and Trademark Office
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Washington, D.C., 20231
Attention: Mr. Jon T. Santamauro

Gentlemen:

The Federal Register Notice of March 19, 2001 is of concern to the Alliance For American Innovation Associates. The questions asked about harmonization need thorough study and thoughtful answers by American inventors and their supporters because the Patent and Trademark Office is such a crucial element of our government. It is the primary agency for all Americans and in generating our economy. The notice in the Federal Register is inadequate for the seriousness of the subject to radically change the American patent system and for the many people whose lives are touched by the Patent Office.

The Alliance For American Innovation is an organization of independent inventors and small business entities. The Associates of the Alliance are interested in the national and economic security of the country and the patent system is an essential element of that security. The Associates want to be on record that the proposed harmonization which also includes the uniform treatment with other countries of patent applications is not in the best interest of the United States. The American system should remain intact and not become a negotiated composite of other countries systems.

On the "issues for public comment" we emphatically favor "first to invent". A first to file system should not be considered for several reasons. We believe the inventor and writer should be rewarded for their work and not someone who happens to file an application at the Patent Office. "First to invent" is a fundamental promise in the Constitution to inventors and writers and it makes the United States unique from other countries in how we treat such gifted people. This treatment of inventors has been very successful for the U.S. After more than 200 years we should not reverse our basic intellectual property law which could be called the "first principle" of patent law in the United States. We prefer the American system.

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2. We want the law of the United State and do not want to limit patents to technical fields. We do not want to exclude business methods patents.

3. The U.S. system requirements are superior to other systems and there is no advantage in changing the system. We prefer the old style it is clearer.

4. The U.S. system is preferred to narrowing the field for patents possibly obtained. The United States system is better in this field than other countries.

5. With regard to the issue of multiple inventions contained in a single patent application we prefer the American patent system and according to newspaper reports so do many Europeans who are filing in the United States because of broad patent protection. This is more financially important to the PTO than to inventors. We want to keep the American practice.

6. The utility requirement of the U.S. system is much better than that used by other countries requiring an industrial applicability standard. There is no advantage in changing the American patent system. We want to keep this utility requirement.

7. There is nothing wrong with the United States system. We want to keep the Hilmer rule which provides for an effective filing date in the U.S. as the prior art effective date. The proposed global prior art effective date would invalidate many U.S. patents. Why limit the American system? The U.S. system is preferred and should not be changed.

8. We prefer the U.S. system. United States patent applications should be considered as prior art for both novelty and obviousness as applied in U.S. law. There is no advantage to change to another system which is not better than ours.

9. We do not want to limit the inventor. We insist on retention of the grace period because it gives inventors the opportunity to be better informed if there is any value in his invention in the marketplace.

10. We want to stay in the United States for prior art. The United States demands geographical restrictions be kept and any change to remove the restriction will make the system more costly and hurt the independent inventor and the entire innovation community.

11. We prefer the United States system.

12. This would make the patent system more costly. There is no advantage in choosing another system to the preferred United States system.

13. We prefer the United States systems because it is broader and has more beneficial results for inventors.

14. We prefer the United States system. It is simpler and more understandable for inventors.

15. The United States patent system is better because it is clear as to what the results are.

16. We need the Doctrine of Equivalents. We think the Festo decision is too restrictive and should not be part of the Doctrine.

17. Absolutely, the filing must be in the name of the inventor and there is no need for direct filing by assignees. The Constitution recognizes the inventor and not the assignee.

18. The "old" style and "new" style apply to the draft treaty and regulations. Although the "new" style may be clearer as is claimed, it is generally an accepted practice in policy and in regulations to maintain a language format throughout the history of the document for clarity and comparison purposes. We prefer the "old" style.

Sincerely yours,

Steven Michael Shore
President

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